

REMARKS/ARGUMENTS

Applicant has received and carefully reviewed the Office Action of mailed October 5, 2009. Currently, claims 38-58 are pending and have been rejected. Favorable consideration of the following remarks is respectfully requested.

Double Patenting Rejection

Claims 38-56 (38-58?) were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,217,589; over claims 1-20 of U.S. Patent No. 6,402,761; and over claims 1-37 of U.S. Patent No. 6,814,740. Claims 38-56 (38-58?) were also provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 38 and 40-53 of co-pending U.S. Patent Application No. 10/957,685 (U.S. Publication No. 2003/0096668). Applicant respectfully traverses the rejections.

The current application and all of the cited references are related family members descending from parent U.S. Patent No. 6,217,589 assigned to Scimed Life Systems, Inc. on Reel 010356, Frame 0759, with a name change to Boston Scientific Scimed, Inc. recorded on Reel 018505, Frame 0868.

Although not conceding the merits of this rejection, Applicant responds to these rejections by enclosing herewith a terminal disclaimer in compliance with 37 CFR 1.321(c). In submitting this terminal disclaimer Applicant is not making any statement as to the patentability of any of the claims of the current application. Applicant respectfully submits that the terminal disclaimer overcomes the rejections.

Conclusion

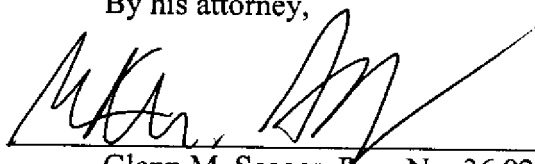
In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his attorney,

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